

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Proposing rule making related to abuse identification and reporting training and providing an opportunity for public comment

The Educational Examiners Board hereby proposes to amend Chapter 15, “Special Education Support Personnel Authorizations,” Chapter 19, “Evaluator Endorsement and License,” Chapter 20, “Renewals,” Chapter 22, “Authorizations,” Chapter 23, “Behind-the-Wheel Driving Instructor Authorization,” and Chapter 24, “Paraeducator Certificates,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 272.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272.2 and sections 232.69 and 235B.16 as amended by 2019 Iowa Acts, House File 731.

Purpose and Summary

The proposed amendments are intended to implement 2019 Iowa Acts, House File 731, which amends Iowa Code sections 232.69 and 235B.16 by modifying the mandatory child abuse and dependent adult abuse identification and reporting training requirements.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Training requirements for mandatory reporters are set forth in Iowa Code sections 232.69 and 235B.16 and therefore cannot be waived.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on July 12, 2019. Comments should be directed to:

Kimberly Cunningham
Board of Educational Examiners
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Fax: 515.281.7669
Email: kim.cunningham@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

July 10, 2019
1 p.m.

Room 3 Southwest
Grimes State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subparagraph **15.7(6)“d”(2)** as follows:

(2) Submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

1. ~~A person is engaged in active duty in the military service of this state or of the United States.~~
2. ~~The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
3. ~~A person is practicing a licensed profession outside this state.~~
4. ~~A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

ITEM 2. Amend subrule 19.8(1) as follows:

19.8(1) ~~Child and dependent adult abuse training~~ trainings. All applicants renewing an evaluator license must submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~A waiver of this requirement may apply if a person submits appropriate documentation of any of the following:~~

- a. ~~A person is engaged in active duty in the military service of this state or of the United States.~~
- b. ~~The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
- c. ~~A person is practicing a licensed profession outside this state.~~
- d. ~~A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

ITEM 3. Amend subrule 20.3(4), introductory paragraph, as follows:

20.3(4) ~~Child and dependent adult abuse training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training~~ trainings approved by the state abuse education review panel department of human services. The completion documentation must be no more than three years old at the time of application. A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

ITEM 4. Amend subparagraph **22.1(4)“a”(3)** as follows:

(3) Complete child and dependent adult abuse ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~This certification~~

These trainings combined may be used for a maximum total of one planned activity/course required in 22.1(4)“a”(1). A waiver of this requirement may apply if a person is engaged in active duty in the military service of this state or of the United States.

ITEM 5. Amend subparagraph **22.1(7)“b”(4)** as follows:

(4) Successful completion of ~~an approved the child and dependent adult abuse mandatory reporter training course~~ trainings pursuant to 282—subrule 20.3(4).

ITEM 6. Amend subparagraph **22.2(1)“c”(2)** as follows:

(2) Child and dependent adult abuse ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

1. ~~A person is engaged in active duty in the military service of this state or of the United States.~~
2. ~~The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
3. ~~A person is practicing a licensed profession outside this state.~~
4. ~~A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~
5. ~~The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse training approved by the state abuse education review panel.~~

ITEM 7. Amend paragraph **22.3(7)“b”** as follows:

b. Child and dependent adult abuse mandatory reporter ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse mandatory reporter ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under any of the following appropriately documented conditions:

- (1) ~~The person is engaged in active duty in the military service of this state or of the United States.~~
- (2) ~~The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
- (3) ~~The person is practicing in a licensed profession outside this state.~~
- (4) ~~The person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse mandatory reporter training in this state.~~
- (5) ~~The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel.~~

ITEM 8. Amend subparagraph **22.7(7)“b”(2)** as follows:

(2) Child and dependent adult abuse mandatory reporter ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse mandatory reporter ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under any of the following appropriately documented conditions:

1. ~~The person is engaged in active duty in the military service of this state or of the United States.~~
2. ~~The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel.~~

ITEM 9. Amend subrule 23.5(3) as follows:

23.5(3) Effective September 1, 2002, the child ~~Child and dependent adult abuse training approved by the state abuse education review panel~~ Child and dependent adult abuse training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

- a. ~~The person is engaged in active duty in the military service of this state or of the United States.~~

~~b.—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~

~~c.—The person is practicing a licensed profession outside this state.~~

~~d.—The person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

~~e.—The person has previously renewed a license or authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse training approved by the state abuse education review panel.~~

ITEM 10. Amend subrule 24.6(2) as follows:

24.6(2) All applicants renewing a paraeducator certificate must submit documentation of completion of the child and dependent adult abuse training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

~~a.—A person is engaged in active duty in the military service of this state or of the United States.~~

~~b.—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~

~~c.—A person is practicing a licensed profession outside this state.~~

~~d.—A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~